Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	WT Docket No 06-150
	)	
Service Rules for the 698-746, 747-762 and 777-762 MHz Bands	)	PS Docket No. 06-229
	)	
	)	WP Docket No 07-100
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band	)	
	)	
Amendment of Part 90 of the Commission's Rules		

Comments

The New York Division of Homeland Security and Emergency Services ("DHSES") hereby submits comments in response to certain sections of the Federal Communication Commission's ("Commission") Third Report and Order and Fourth Further Notice of Proposed Rulemaking (FCC 11-6) dated January 25, 2011.

Paragraph 58 – Interconnection with Legacy Public Safety Networks

In order to best interface with existing push to talk ("PTT") radio systems, ideally the broadband device would contain an interface that is compatible with both analog (voice/PTT) and P25 digital (analog voice interface as well as ISSI) systems. By creating broadband devices with interfaces that are fully compatible with existing public safety equipment, users are not required to replace inventories of interoperability devices or overcome limitations with prior era radios. These types of devices should be available on both an infrastructure level as well as a mobile/portable format for tactical field deployment.

Paragraph 70 – Robustness and Hardening

Mission critical public safety systems, by the very nature of their use, must be available in the most difficult and unexpected circumstances. It is not acceptable for a power failure or weather event to cause the failure of the very systems that the first responders will use during such an emergency. The criticality of robust public safety communications has been demonstrated over and over again, from hurricanes to ice storms.

The NYS DHSES encourages the Commission to set 12 hours as the **minimum** amount of time that battery backup power should be required. At critical locations, locations subject to damage inducing severe weather (hurricanes, ice storms), or with a history of power problems should be required to additionally have an alternate long-term power source (e.g. generator, solar, wind, fuel cell, etc.). At any location where alternate longer-term power sources are not

available or permitted, the battery requirement should be increased. This requirement **must** be extended to the entire network and all components that are critical to its operation (backhaul, switches, etc.).

Paragraph 71-73 – Coverage Requirements

A common thread through New York State's diverse population distribution and diversity of geography, from the New York City metropolitan area to the farm lands of central New York to the rugged wild of the Adirondack Mountains, is public safety must be able to communicate regardless of where in the state they are located. A simple population based coverage approach at the state or national level has the potential to leave large areas of New York uncovered. For example, if a 98% population coverage level was applied to New York State as a whole, it could lead to only the top 50 of the 62 counties in the state being provided with coverage (assuming complete population coverage in the top 50). Obviously this would provide for a network that was unworkable for public safety use.

It is imperative that the Commission recognize that public safety events occur in all areas of this country, and if we are truly to have a nationwide network, all areas of the country must be treated as important when network coverage is considered. This is important both from a day-to-day public safety operation (i.e. rescue of a stranded hiker) to major terrorist threats (i.e. surveillance of a rural training area for terrorists). The NYS DHSES **strongly** encourages the Commission to take a robust geographic area approach to coverage requirements and to further encourage coverage requirements as they relate to in-building coverage.

Paragraph 80-84 – Incumbent Narrowband Operation

There are no incumbent narrowband operations occurring in the broadband spectrum within New York State. However, the NYS DHSES encourages the Commission to move expeditiously in working with licensees in other areas of the country to relocate to the current narrowband block. This will ensure that broadband deployment is not hindered in those areas with incumbent narrowband operations.

Paragraph 129-131 – Operation of Fixed Stations and Complimentary Use of Fixed Broadband Spectrum

The NYS DHSES considers fixed use to be a key element of 700 MHz broadband, providing it is servicing discreet public safety devices. Some examples could include cameras, movement sensors, remote data collection, temporary field commands and more. It may not be cost effective, especially in rural areas, for two overlay networks to be built, one at 700 MHz and one at 4.9 GHz. The NYS DHSES believes that while mobile users should receive priority and fixed point to point backhaul links are not an appropriate use of 700 MHz broadband, the network operators should have the flexibility in between to deploy public safety fixed assets that support its operation.

Respectfully submitted,

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